



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

16 March 2009

Debbie Hummel, President
Board of Directors
The Oaks Community Association
5607 Jackson Valley Road
Ione, CA 95640

CERTIFIED MAIL
7007 2560 0001 7572 1544

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0521, THE OAKS COMMUNITY ASSOCIATION, WASTEWATER TREATMENT FACILITY, AMADOR COUNTY

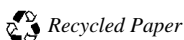
Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) sections 13350 and 13268. The Complaint charges The Oaks Community Association (Discharger) with civil liability in the amount of **twenty-four thousand seven hundred and fifty dollars (\$24,750)** for violations of Waste Discharge Requirements (WDRs) Order 92-080. The violations are associated with the 24 through 29 December 2008 sanitary sewer overflow event.

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **15 April 2009**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both the waiver and a letter describing the issues to be discussed to this office by **15 April 2009**; **or**
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day comment period, starting from the date of this Complaint, during which time interested parties may comment on this proposed settlement by submitting information to this office, attention Melissa Hall. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the

California Environmental Protection Agency



final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If the Central Valley Water Board does not receive a signed waiver **by 15 April 2009**, then a hearing will be scheduled for the **11/12 June 2009** Central Valley Water Board meeting in Rancho Cordova. The Central Valley Water Board's Prosecution Team has proposed the enclosed draft Hearing Procedures to govern the conduct of such a hearing. Any objections to these draft Hearing Procedures must be received by Lori Okun, whose contact information is listed in the enclosed draft Hearing procedures, by **5 p.m. on 30 March 2009**.

Any comments or evidence concerning the enclosed Complaint must be submitted in accordance with the deadlines contained in the enclosed draft Hearing Procedures, unless these deadlines are changed by the Central Valley Water Board's Adjudicatory Team, either on their own accord or upon request.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m.

For your information, we have attached a description of the factors that were considered, pursuant to California Water Code section 13327, in assessing this civil liability.

If you have any questions regarding the enclosed Complaint, please contact Melissa Hall at (916) 464-4757 or by e-mail at mhall@waterboards.ca.gov.

WENDY WYELS
Environmental Program Manager
Compliance and Enforcement Section

Enc: Administrative Civil Liability Complaint No. R5-2009-0521
Hearing Waiver
CWC Factors Considered in Assessing Liability
Draft Hearing Procedures

cc list: see next page

cc w/o encl: Mr. Joe Spano, California Department of Public Health, Stockton
Mr. Bruce McKarley, California Department of Housing and Community
Development, Sacramento
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Mr. Michael Israel, Amador County Environmental Health Department, Jackson
Ms. Traysee Fuqua, M&C Association Management Services, Inc., Stockton
Mr. JJ Jeffries, Double J Enterprises, Paradise
Mr. Dave Edmonson, Ione